

SECOND REGULAR SESSION

# HOUSE BILL NO. 1917

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BLACK (Sponsor), FALLERT AND HUMMEL (Co-sponsors).

6028L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.349, 115.359, 115.361, 115.363, 115.387, and 115.611, RSMo, and to enact in lieu thereof six new sections relating to primary elections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 115.349, 115.359, 115.361, 115.363, 115.387, and 115.611, RSMo,  
2 are repealed and six new sections enacted in lieu thereof, to be known as sections 115.349,  
3 115.359, 115.361, 115.363, 115.387, and 115.611, to read as follows:

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections  
2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless  
3 the candidate has filed a written declaration of candidacy in the office of the appropriate election  
4 official by 5:00 p.m. on the [last] **first** Tuesday [in March] **following the first Monday in June**  
5 immediately preceding the primary election.

6 2. No declaration of candidacy for nomination in a primary election shall be accepted  
7 for filing prior to 8:00 a.m. on the [last] **first** Tuesday [in February] **following the third**  
8 **Monday in May** immediately preceding the primary election.

9 3. Each declaration of candidacy for nomination in a primary election shall state the  
10 candidate's full name, residence address, office for which such candidate proposes to be a  
11 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and  
12 elected he or she will qualify. The declaration shall be in substantially the following form:  
13 I, ....., a resident and registered voter of the county of ..... and the state of  
14 Missouri, residing at ....., do announce myself a candidate for the office of ..... on the ..... party  
15 ticket, to be voted for at the primary election to be held on the .... day of ....., ..., and I further  
16 declare that if nominated and elected to such office I will qualify.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17

18 .....  
 19 Signature of candidate

Subscribed and sworn to  
 before me this ..... day  
 of ....., .....

20 .....  
 21 .....

22 Residence address

Signature of election

23

official or other officer

24

authorized to administer oaths

25 .....

26 Mailing address (if different)

27 .....

28 Telephone Number (Optional)

29

30 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate  
 31 before an official authorized to accept his or her declaration of candidacy. If the declaration is  
 32 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall  
 33 be subscribed and sworn to by the candidate before a notary public or other officer authorized  
 34 by law to administer oaths.

115.359. 1. Any person who has filed a declaration of candidacy for nomination and  
 2 who wishes to withdraw as a candidate shall, not later than the [eleventh] **sixth** Tuesday prior  
 3 to the primary election, file a written, sworn statement of withdrawal in the office of the official  
 4 who accepted such candidate's declaration of candidacy. Any person nominated for an office  
 5 who wishes to withdraw as a candidate shall, not later than the [eleventh] **sixth** Tuesday prior  
 6 to the general election, file a written, sworn statement of withdrawal in the office of the official  
 7 who accepted such candidate's declaration of candidacy. In addition, any person who has filed  
 8 a declaration of candidacy for nomination or who is nominated for an office who wishes to  
 9 withdraw as a candidate due to being named as the party candidate for a different office by a  
 10 party nominating committee pursuant to sections 115.363 to 115.377 may withdraw as a  
 11 candidate no later than 5:00 p.m. on the fifth day after being named as the party candidate for a  
 12 different office by the party nominating committee.

13 2. Except as provided for in section 115.247, if there is no additional cost for the printing  
 14 or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a  
 15 candidate who has filed or is nominated for an office may, at any time after the time limits set  
 16 forth in subsection 1 of this section but no later than 5:00 p.m. on the sixth Tuesday before the  
 17 election, withdraw as a candidate pursuant to a court order, which, except for good cause shown  
 18 by the election authority in opposition thereto, shall be freely given upon application by the

19 candidate to the circuit court in the county of such candidate's residence. No withdrawal  
20 pursuant to this subsection shall be effective until such candidate files a copy of the court's order  
21 in the office of the official who accepted such candidate's declaration of candidacy.

22 3. The name of a person who has properly filed a declaration of candidacy, or of a person  
23 nominated for office, who has not given notice of withdrawal as provided in subsection 1 or 2  
24 of this section shall, except in case of death or disqualification, be printed on the official primary  
25 or general election ballot, as the case may be.

115.361. 1. Except as provided in subsections 2 and 3 of this section, if a candidate for  
2 nomination to an office in which the candidate is the incumbent or the only candidate dies,  
3 withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m.  
4 on the last day in which a person may file as a candidate for nomination, and at or before 5:00  
5 p.m. on the [eighth] **sixth** Tuesday prior to any primary election, or if any candidate for the  
6 position of political party committeeman or committeewoman dies or withdraws as provided in  
7 subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which  
8 a person may file as a candidate for nomination, and at or before 5:00 p.m. on the [eighth] **sixth**  
9 Tuesday prior to any primary election, leaving less candidates for the available committee  
10 positions than the number of available committee positions, filing for the office or position shall  
11 be reopened for a period of five working days, excluding holidays and weekends, following the  
12 death, withdrawal or disqualification during which period new candidates may file declarations  
13 of candidacy.

14 2. If a candidate for nomination to an office in which the candidate is the only candidate  
15 dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00  
16 p.m. on the sixth Tuesday prior to the primary election, the election and canvass shall not  
17 proceed, and a vacancy shall exist on the general election ballot to be filled in the manner  
18 provided in sections 115.363 to 115.377.

19 3. If a candidate for the position of political party committeeman or committeewoman  
20 becomes disqualified after the [eighth] **sixth** Tuesday prior to the primary election, the election  
21 and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated  
22 from the ballot so that no vote may be cast for that candidate.

23 4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal  
24 within two working days prior to the deadline for the close of filing set forth in section 115.349,  
25 the time of filing for that office shall be extended until 5:00 p.m. of the first Friday following the  
26 deadline for the close of filing set forth in section 115.349.

115.363. 1. Except as provided in section 115.361, a party nominating committee of a  
2 political party may select a party candidate for nomination to an office on the primary election  
3 ballot in the following cases:

(1) If there are no candidates for nomination as the party candidate due to death of all the party's candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on the fourth Tuesday prior to the primary election;

(2) If there are no candidates for nomination as the party candidate due to withdrawal after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(3) If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time;

(4) If there are no candidates for nomination as the party candidate due to disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the sixth Tuesday prior to the primary election; or

(5) If a candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the ~~[eighth]~~ **sixth** Tuesday prior to the primary election, leaving no candidate.

2. Any established political party may select a candidate for nomination, if a candidate who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection 1 or 2 of section 115.359 after 5:00 p.m. on the ~~[eighth]~~ **sixth** Tuesday prior to the primary election, and at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a candidate for the office.

3. A party nominating committee may select a party candidate for election to an office on the general election ballot in the following cases:

(1) If the person nominated as the party candidate shall die at or before 5:00 p.m. on the fourth Tuesday prior to the general election;

(2) If the person nominated as the party candidate is disqualified at or before 5:00 p.m. on the sixth Tuesday prior to the general election;

(3) If the person nominated as the party candidate shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(4) If a candidate for nomination to an office in which the person is the party's only candidate dies after 5:00 p.m. on the fourth Tuesday prior to any primary election, withdraws as provided in subsection 1 of section 115.359 after 5:00 p.m. on the fourth Tuesday prior to any primary election, or is disqualified after 5:00 p.m. on the sixth Tuesday before any primary election.

40           4. If a person nominated as a party's candidate who is unopposed shall die at or before  
41 5:00 p.m. on the fourth Tuesday prior to the general election, is disqualified at or before 5:00  
42 p.m. on the sixth Tuesday prior to the general election, or shall withdraw at or before 5:00 p.m.  
43 on whatever day may be fixed by law as the final date for withdrawing as a candidate for the  
44 office, the party nominating committee for any established political party may select a party  
45 candidate.

46           5. A party nominating committee may select a party candidate for election to an office  
47 in the following cases:

48           (1) For an election called to fill a vacancy in an office;

49           (2) For an election held pursuant to the provisions of section 105.030 to fill an unexpired  
50 term resulting from a vacancy in an office that occurs within fourteen days prior to the filing  
51 deadline for the primary election and not later than the eighth Tuesday prior to the general  
52 election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a  
53 primary election, filing for the office shall be as provided for in sections 115.305 to 115.359.

          115.387. Not later than the [tenth] **fifth** Tuesday before each primary election, the  
2 secretary of state shall transmit to each election authority a certified list containing the name and  
3 address of each person who has filed a declaration of candidacy in the secretary's office and is  
4 entitled to be voted for at the primary election, together with a designation of the office for which  
5 the person is a candidate and the party the person represents. In the person's certification, the  
6 secretary of state shall also include the order in which the candidates for each office are to be  
7 listed on the official ballot.

          115.611. 1. Except as provided in subsection 4 of section 115.613, any registered voter  
2 of the county may have such voter's name printed on the primary ballot of such voter's party as  
3 a candidate for county committeeman or committeewoman by filing a declaration of candidacy  
4 in the office of the county election authority and by paying any filing fee required by subsection  
5 2 of this section.

6           2. Before filing such candidate's declaration of candidacy, candidates for county  
7 committeeman or county committeewoman shall pay to the treasurer of such candidate's party's  
8 county committee, or submit to the county election authority to be forwarded to the treasurer of  
9 such candidate's party's committee, a certain sum of money, as follows:

10           (1) One hundred dollars if such candidate is a candidate for county committeeman or  
11 committeewoman in any county which has or hereafter has over nine hundred thousand  
12 inhabitants or in any city not situated in a county;

13           (2) Twenty-five dollars if such candidate is a candidate for county committeeman or  
14 committeewoman in any county of the first class containing the major portion of a city which has  
15 over three hundred thousand inhabitants;

16           (3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for  
17 county committeeman or committeewoman shall be required to pay a filing fee.

18           3. Any person who cannot pay the fee to file as a candidate for county committeeman  
19 or committeewoman may have the fee waived by filing a declaration of inability to pay and a  
20 petition with the official with whom such candidate files such candidate's declaration of  
21 candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

22           4. No person's name shall be printed on any official primary ballot as a candidate for  
23 county committeeman or committeewoman unless the person has filed a declaration of candidacy  
24 with the proper election authority not later than 5:00 p.m. on the [last] **first** Tuesday [in March]  
25 **following the first Monday in June** immediately preceding the primary election.

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